

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

)
JOHN DOE,)
)
Plaintiff)
)
v.) Civil Action No.24-CV-00046-JL
)
TRUSTEES OF DARTMOUTH COLLEGE)
)
Defendant)
)

ASSENTED-TO MOTION FOR CLARIFICATION

NOW COMES John Doe, Plaintiff, by and through counsel, Shaheen & Gordon, P.A., and seeks clarification on this Court's Order on the Motion for Preliminary Injunction (doc. no. 23) (the "Order"). In support thereof, Doe states as follows:

1. In this Court's Order, the Court grants the Plaintiff's Motion for Preliminary Injunction in part, finding that Plaintiff has made the required showing for likelihood of success on his claims of breach of contract and breach of the covenant of good faith and fair dealing based on Dartmouth College's policies, that he has demonstrated irreparable harm in the absence of an injunction, that the balance of equities weighs in favor of a preliminary injunction, and that a preliminary injunction is consistent with the public interest.

2. At the preliminary injunction hearing on February 27, 2024, during this Court's oral recitations of its findings, Plaintiff's counsel inquired whether the Court would also order Dartmouth to vacate the finding of responsibility in the underlying sexual misconduct proceeding and expulsion and require Dartmouth to submit Doe's name for the Match.

3. Dartmouth's counsel indicated Dartmouth would need to vacate the finding and expulsion in order to be able to certify Doe for the Match in compliance with the Match policies.

4. This Court indicated at that time that the Order would contain injunctive relief requiring Dartmouth to vacate the finding of responsibility and the expulsion in order to comply with the Match requirements, consistent with the scope of the injunctive relief itself.

5. In this Court's Order, that language does not appear.

6. Doe seeks clarification on Dartmouth's obligations under the Order, and respectfully requests that this Court specify Dartmouth's obligations under the ordered relief to include vacating the finding of responsibility and the expulsion and submitting Doe's name for the Match.

7. Dartmouth assents to the allowance of this Motion.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- A. Grant the within Motion;
- B. Clarify its Order on Preliminary Injunction to require Dartmouth to vacate the finding of responsibility; vacate Doe's expulsion; and submit Doe's name for the Match; and
- C. Grant other and further relief as is necessary and just.

Respectfully submitted,

Dated: February 28, 2024

/s/ Leah Cole Durst

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CERTIFICATE OF SERVICE

I, Leah Cole Durst, hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be served conventionally on all parties or their counsel.

/s/ Leah Cole Durst

Leah Cole Durst